

Andrew F. Sears # 7-4557  
Hall & Evans, LLC  
152 North Durbin Street, Suite 404  
Casper, Wyoming 82601  
Telephone: (307)333-6637  
Facsimile: (307)333-6352  
E-mail: [searsa@hallevans.com](mailto:searsa@hallevans.com)  
*Attorney for Defendant QBE Insurance Corporation*

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING  
2019 MAY 16 PM 1:55  
STEPHAN HARRIS, CLERK  
CASPER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

JUDITH CABLE, )  
                        )  
Plaintiff,         )  
                        )  
vs.                    ) Civil No. 19cv101-S  
                        )  
QBE INSURANCE CORPORATION, )  
                        )  
Defendant.         )

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**DEFENDANT'S PETITION  
AND NOTICE OF REMOVAL**

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Defendant QBE Insurance Corporation, pursuant to Federal Rule of Civil Procedure 81(c), U.S.D.C.L.R. 81.1, and 28 U.S.C. §§ 1441 and 1446, hereby petitions this Court to remove the civil action filed by Plaintiff as Docket No. 106073 in the District Court, Seventh Judicial District, Natrona County, Wyoming to the United States District Court for the District of Wyoming. In support of this Petition, the Defendant states as follows:

1. This Court has subject matter jurisdiction over this action pursuant to 28 USC § 1332(a) because the action is between citizens of different States, and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs.

2. The subject state court action is removable pursuant to 28 USC § 1441(a).

Receipt # CAS002241  
Summons:      issued  
X not issued

3. On March 7, 2019 Plaintiff Judith Cable filed the subject state court action against Defendant QBE Insurance Corporation in the District Court, Seventh Judicial District, Natrona County, Wyoming. On May 6, 2019, the Plaintiff mailed to Undersigned Counsel a request to accept service of the Summons and Complaint on behalf of the Defendant. A copy of the Complaint, Summons, letter requesting acceptance of service, and the executed Acceptance of Service is attached hereto as Exhibits 1 through 4 respectively.

4. In its Complaint, Plaintiff pleads claims of breach of contract and bad faith. The Plaintiff seeks to recover a principle sum of one hundred seven thousand dollars (\$107,000.00), exclusive of interest and costs, plus an undetermined amount for emotional distress, punitive damages, and attorney fees.

5. In its Complaint, Plaintiff alleges she is a resident of Natrona County, WY. See Exhibit 1, Plaintiff's Complaint at ¶ 1. Plaintiff further alleges that Defendant is an insurance company with its headquarters in New York, NY. *Id.* at ¶ 2. The Defendant affirmatively states that it is domiciled in Pennsylvania, with its principle place of business located at One QBE Way, Sun Prairie, WI 53596.

6. This Petition and Notice of Removal is filed within thirty days of receipt of the summons upon Defendant in accordance with 28 U.S.C. § 1446(b).

7. As required by 28 USC § 1446(d) and Rule 81.1 U.S.D.C.L.R., Defendant QBE Insurance Corporation is simultaneously filing a copy of this Petition and Notice of Removal with the Clerk of the District Court, Seventh Judicial District, Natrona County, Wyoming and all parties of record.

8. Defendant submits herewith the filing fee of \$400.00.

WHEREFORE, Defendant prays that the Court enter an Order of Removal.

DATED this 16th day of May, 2019.



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Andrew F. Sears # 7-4557  
Hall & Evans, LLC  
152 North Durbin Street, Suite 404  
Casper, Wyoming 82601  
Telephone: (307)333-6637  
Facsimile: (307)333-6352  
E-mail: [searsa@hallevans.com](mailto:searsa@hallevans.com)  
*Attorney for Defendant QBE Insurance Corporation*

#### **CERTIFICATE OF SERVICE**

This is to certify the foregoing **Defendant's Petition and Notice of Removal** was served this 16<sup>th</sup> day of May, 2019 by U.S. Mail, postage prepaid, to the following:

Terry W. Connolly  
Caleb Wilkins  
PATTON & DAVIDSON, LLC  
1920 Thomes Avenue, Suite 600  
Cheyenne, WY 82001



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Andrew F. Sears

Terry W. Connolly  
Caleb Wilkins  
PATTON & DAVISON LLC  
1920 Thomes Avenue, Suite 600  
Cheyenne, Wyoming 82001

FILED  
MAR 07 2019  
Anne Volin Clerk of District Court  
CONNIE ROLLING  
Deputy

IN THE DISTRICT COURT,  
SEVENTH JUDICIAL DISTRICT,  
NATRONA COUNTY, WYOMING

JUDITH CABLE )  
Plaintiff, )  
vs. ) Docket No. 106073  
QBE INSURANCE CORPORATION )  
Defendants. )

**COMPLAINT**

COMES NOW Plaintiff, Judith Cable, by and through her attorneys, Caleb Wilkins and Terry W. Connolly of Patton and Davison LLC, and for her Complaint against Defendant, QBE Insurance Corporation, and in support thereof states as follows:

**PARTIES AND JURISDICTION**

1. Plaintiff, Judith Cable is and at all relevant times was a resident of Natrona County, Wyoming.
2. Defendant, QBE North America is a property insurance company doing business in the State of Wyoming, with headquarters in New York City, New York.
3. Jurisdiction is proper in this court because the amount in controversy exceeds \$50,000.00.
4. Venue is proper in this court as the cause of action arose in Natrona County, State of Wyoming.

**FACTS**

5. On April 2, 2018, Plaintiff Judith Cable entered into a contract for deed to purchase a home located at 1129 East C St, Casper, Wyoming ("Residence"). She purchased that home from Elainea VanCleve.

6. Plaintiff obtained property insurance for the home and belongings from Defendant QBE ("Policy"). That Policy was effective from May 3, 2018 to May 3, 2019.

7. The Policy from QBE covered the dwelling, other structures, personal property, and loss of use related to the Residence.

8. On July 2, 2018 a fire occurred at the Residence. As a result of that fire, the home was a total loss and defendant also lost all of her possessions in the Residence.

9. At the time of the fire, the Policy was in effect.

10. Following the loss from the fire, Plaintiff submitted a timely insurance claim to QBE under the Policy.

11. Defendant QBE has refused Plaintiff's claim and denied coverage under the Policy.

12. The Seller under the Contract for Deed has not cancelled the Contract for Deed and said contract remains in force and binding upon Plaintiff.

**FIRST CAUSE OF ACTION**  
**BREACH OF CONTRACT**

13. Plaintiff incorporates all foregoing allegations by reference.

14. There is a valid and enforceable insurance agreement and contract between Plaintiff and Defendant.

15. That agreement/contract was in place and valid at the time of the fire at the Residence.

16. Plaintiff had paid her premium on the Policy.
17. Defendant has breached the insurance agreement and contract by denying coverage under the policy.
18. Plaintiff has been damaged by not having received the benefit of the bargain of her insurance contract and been denied her policy benefits.

**SECOND CAUSE OF ACTION**  
**BAD FAITH/BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING**

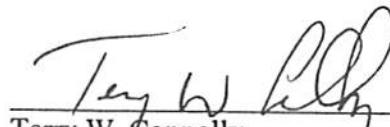
19. Plaintiff incorporates all foregoing allegations by reference.
20. There existed a valid and enforceable insurance agreement and contract between Plaintiff and Defendant.
21. Defendant has denied Plaintiff's insurance claim without any reasonable basis for denying said claim.
22. Defendant has and had knowledge and/or recklessly disregarded, the lack of a reasonable basis for denying Plaintiff's claim.
23. Plaintiff has been damaged by not receiving the benefit of her insurance policy and has incurred emotional distress and has incurred attorney fees.
24. Plaintiff is also entitled to an award of punitive damages against Defendant.

WHEREFORE, Plaintiffs pray for judgment against Defendants in the principle sum of \$107,000.00, and as yet undermined amount of emotional distress and punitive damages, an award of attorney fees as allowed by law, and such prejudgment interest, costs, and such other relief as the Court deems just and proper, the premises considered.

DATED this 5th day of March, 2018.

JUDITH CABLE

By:

  
\_\_\_\_\_  
Terry W. Connolly  
PATTON & DAVISON LLC  
1920 Thomas Avenue, Suite 600  
Cheyenne, Wyoming 82001

Terry W. Connolly  
Caleb Wilkins  
PATTON & DAVISON LLC  
1920 Thomes Avenue, Suite 600  
Cheyenne, Wyoming 82001

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IN THE DISTRICT COURT,  
SEVENTH JUDICIAL DISTRICT,  
NATRONA COUNTY, WYOMING

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JUDITH CABLE )  
Plaintiff, )  
vs. ) Docket No. 106073  
QBE INSURANCE CORPORATION )  
Defendants. )  

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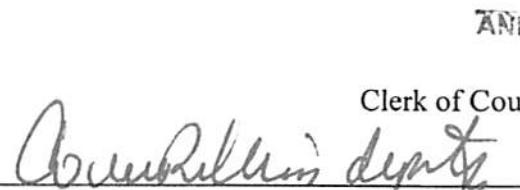
**SUMMONS**

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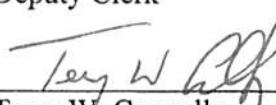
To the above-named Defendant: QBE Insurance Corporation  
c/o Wyoming Insurance Commissioner  
106 E 6<sup>th</sup> Ave  
Cheyenne, WY 82001

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk and serve upon the Plaintiffs' attorneys an answer to the Complaint which is herewith served upon you, within **20** days after service of this Summons upon you, exclusive of the day of service. (If service upon you is made outside the State of Wyoming, you are required to file and serve your answer to the Complaint within 30 days after service of this Summons upon you, exclusive of the day of service.) If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated this 7 day of March, 2019.

 ANNE VOLIN

Clerk of Court  
By Caleb Wilkins, Deputy  
Deputy Clerk

  
Terry W. Connolly  
Patton & Davison LLC  
1920 Thomes Ave Suite 600  
Cheyenne, WY 82001  
307-635-4111  
Attorney for Plaintiff

RETURN

I, \_\_\_\_\_, being first duly sworn on oath, depose and say that I am over the age of 21 years and am not a party to the foregoing action or interested therein, and that I made service of said *Complaint*, in the County aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by delivering a copy of the same, together with a copy of the proceedings, to:

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By:

\_\_\_\_\_  
Process Server

APPOINTMENT TO SERVE SUMMONS

At the request of the Plaintiff and in compliance with Rule 4 (c) (1) of the Wyoming Rules of Civil Procedure, I hereby appoint Rick Sargent of Civil Service in Laramie County, a person duly qualified, to serve the foregoing Summons.

\_\_\_\_\_  
Clerk of Court

\_\_\_\_\_  
Deputy Clerk

AFFIDAVIT OF SERVICE

STATE OF WYOMING                          }  
    } ss.  
COUNTY OF LARAMIE                        }

\_\_\_\_\_, being first duly sworn, on oath deposes and says that he is the identical person appointed by the Clerk of Court as above shown to make service of Summons issued in the foregoing action; that he is over the age of 21 years and is not a party to the foregoing action or interested therein, and that he made service of said Summons in the County aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 by delivering a copy of the Complaint to

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Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

My Commission expires:

\_\_\_\_\_  
Notary Public

**Patton & Davison LLC**

**John C. Patton**  
john@pattondavison.com  
admitted WY, CO

**Alexander K. Davison**  
alex@pattondavison.com  
admitted WY, CO, NE

1920 Thomas Avenue, Suite 600  
Cheyenne, WY 82001  
Telephone and Fax (307) 635-4111

**Terry W. Connolly**  
terry@pattondavison.com  
admitted WY

**Caleb C. Wilkins**  
caleb@pattondavison.com  
admitted WY, CO

Monday, May 06, 2019

Andrew Sears  
Murane & Bostwick, LLC  
508 W. 27<sup>th</sup> Street  
Cheyenne, WY 82001

R E C E I V E D  
MAY - 8 2019  
BY:.....

RE: Judith Cable v. QBE Insurance Corporation Docket No.: 106073

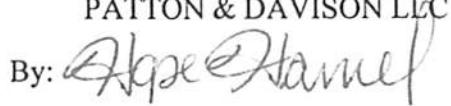
Dear Andrew,

Please find enclosed the Summons, Complaint and Acceptance of Service for the above named matter. It is our understanding that you will be representing QBE Insurance Corporation.

Please sign the Acceptance of Service and return the original to us in the enclosed prepaid envelope.

If you should have any questions please do not hesitate to contact us.

Sincerely,

PATTON & DAVISON LLC  
By:   
Hope Hamel, Legal Assistant

TWC/heh

IN THE DISTRICT COURT,  
SEVENTH JUDICIAL DISTRICT,  
NATRONA COUNTY, WYOMING

JUDITH CABLE )  
Plaintiff, )  
vs. ) Docket No. 106073  
QBE INSURANCE CORPORATION )  
Defendants. )

## **ACCEPTANCE OF SERVICE**

**COMES NOW**, Defendant, QBE Insurance Corporation by and through their attorney, Andrew Sears and acknowledges receipt and service of a true and accurate copy of the Summons and Complaint issued herein; and hereby accepts service of Defendant in the above-captioned matter.

It is further acknowledged and understood that Defendant has twenty (20) days from the date hereof to answer or otherwise plead herein.

DATED this 9<sup>th</sup> day of May, 2019.

Andrew F. Sears  
Murane & Bostwick, LLC  
508 W. 27<sup>th</sup> St  
Cheyenne, WY 82001  
Attorney for Defendant

STATE OF WYOMING )  
COUNTY OF Natrona ) ss.  
                        )

The foregoing Acceptance of Service was acknowledged before me on this 9th day of May, 2019, by Andrew F. Sears.

Witness my hand and official seal.

Christine Wock  
Notary Public

My Commission Expires: 8.8.22

